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FROM No. 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Original Application No. \_\_\_\_\_

Misc Petition No. \_\_\_\_\_

✓ Contempt Petition No. 18/2002 / in CA 28/2002.

Review Application No. \_\_\_\_\_

Applicants. Sambhu Ram Majumdar.

-Vs-

Respondant(s) Union of India & ors.

Advocate for the Appellant(s) Mr. A. Ahmed.

Advocate for the Respondant(s) Case.

Notes of the Registry

Date

Order of the Tribunal

This Contempt Petition has been filed by the Counsel for the Applicant praying for punishment of the Contemner/Respondent for non-compliance of Judgment & order dtd. 12-02-2002 passed by this Hon'ble Tribunal in CA. 28/2002.

10.5.02

Heard Mr. A. Ahmed, learned counsel for the Applicant.

Issue notice to show cause as to why the Contempt <sup>Proceeding</sup> Petition shall not be initiated.

List on 10/6/2002 for orders.

U. Usha  
Member

[Signature]  
Vice-Chairman

Laid before the Hon'ble Court for further order.

mb

10.6.02

List on 28.6.2002 for orders.

U. Usha  
Member

[Signature]  
Vice-Chairman

Dy. Regr.

9/5/02

mb

Slips & Enclots later / Enclot not put in

Notice prepared and sent to  
all for info. the same. 10

DINo 1674 to 76 dtd 27/5 2002

2

①

Q.P. No. 18/2002

① Service report are  
still awaited.

By  
28.6.02.

Order dtd. 28/6/02  
Communicated to the  
Parties Counsel & the  
Adv.

By

28.6.02

Heard Mr. A.Ahmed, learned  
counsel for the applicant and also  
Mr. A.Deb Roy, learned Sr. C.G.S.C.  
for the alleged contempners.

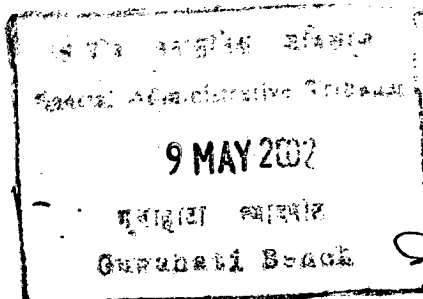
It has been stated at the Bar  
by Mr. A.AHmed, learned counsel for  
the applicant that the order 12.2.2002  
in O.A. 28/2002 has been complied  
with.

In the circumstances, the  
contempt proceeding stands dropped.

ICU Sharma  
Member

Vice-Chairman

mb



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI.

CONTEMPT PETITION NO. 18 OF 2002.

IN O. A. 28 OF 2002

IN THE MATTER OF:

A petition under Section 17 of the Central Administrative Tribunal Act, 1985 praying for punishment of the Contemner/Respondent for non-compliance of judgment and order passed by the Hon'ble Tribunal in O.A. No. 28 of 2002 on 12-02-2002.

-AND-

IN THE MATTER OF

Sri Sambhu Ram Mazumder.

-Applicant

-Versus-

The Union of India & Ors.

-Respondents.

-AND-

IN THE MATTER OF

Sambhu Ram Mazumder

Filed by  
Ram Mazumder  
Applicant  
Shri Sambhu  
through J.L.  
(Adv. AMED) 3  
Advocate

Sri Sambhu Ram Mazumder,  
Postal Assistant,  
G.P.O. Guwahati,  
P.O. Guwahati,  
Pin- 781001.

-Applicant

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-Petitioner.

-Versus-

1] Sri S.P. Singh,  
Chief Post Master General,  
Assam Circle, Guwahati,  
P.O.- Guwahati,  
Pin- 781001.

2] Sri Som Kamai,  
Senior Superintendent of Post  
Offices Guwahati Division,  
Post Office Guwahati,  
Pin 781001.

3] Sri Atul Chandra Das,  
Superintendent of Postal Store  
Depot, Post Office Bamuni-  
maidam, Guwahati-21.

-Respondents/  
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Contemners.

The Humble Petition of the  
above named Petitioner:

MOST RESPECTFULLY SHEWETH:

*Sambhu Ram Mazumder*

1] That your humble petitioner had filed the Original Application No. 28 of 2002 before the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati for early completion of Departmental inquiry under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules 1965 against the applicant's case vide No. SD/Vig-1/98-99 dated 25-10-2000 and also Office Memo No. SD/Rule-14/2000-01 dated 29-11-2000 initiated by the Respondents.

2] That the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati on 12-02-2002 heard the matter finally and the above said Original Application No. 28 of 2002 was disposed by the Hon'ble Tribunal. The Hon'ble Tribunal was pleased to direct the Respondents/Contemners to complete the inquiry proceeding within six weeks from 12-02-2002.

Annexure-A is the photocopy of the Judgment and Order dated 12-02-2002 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati in O.A. No. 28 of 2002.

3] That the Respondents/Contemners got the said copy of the judgment from the petitioner and also from the Hon'ble Tribunal's Registry. But till today the Respondents/Contemners does not implemented the said judgment and no steps have been taken by the Respondents/Contemners

*Sambhu Ran Moynish*

for early completion of Departmental Inquiry against the petitioner. It is also worth to mention here that the petitioner is going to be retired on superannuation in month of August 2002. It is necessary for the respondents to complete the entire departmental proceeding against the petitioner as early as possible otherwise petitioner pensionary benefits will be held up and he will face acute financial hardships. As such, your petitioner is compelled to file this Contempt Petition before this Tribunal for seeking justice.

4] That your petitioner begs to state that in spite of clear cut order passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati the Respondents/Contemners have not taken steps for early implementation of the above said order dated 12-02-2002 passed in O.A. No. 28 of 2002. It appears that the Respondents/Contemners has shown disrespect, disregard and disobedience to this Hon'ble Tribunal. The Respondents/Contemners deliberately with a motive behind has not complied the Hon'ble Tribunal's Judgment and Order dated 12-02-2002 passed in O.A. No. 28 of 2002. As such, the Respondents/Contemners deserves punishment from this Hon'ble Tribunal. It is a fit case where the Respondents/Contemners may be directed to appear before this Hon'ble Tribunal to explain as to why he has shown disrespect to this Hon'ble Tribunal.

*Samir Kumar Das Majumdar*

5] That this petition is filed bona fide to secure the ends of justice.

In the premises, it is, most humbly prayed that your Lordships may be pleased to admit this petition and issue Contempt notice to the Respondents/Contemners to show cause as to why they should not be punished under Section 17 of the Central Administrative Tribunal Act, 1985 or pass such any other order or orders as this Hon'ble Tribunal may deem fit and proper.

Further, it is also prayed that in view of the deliberate disrespect and disobedience to this Hon'ble Tribunal's order dated 12-02-2002 passed in O.A. No. 28 of 2002 the Respondents/Contemners may be asked to appear in person before this Hon'ble Tribunal to explain as to why he should not be punished under the contempt to court proceedings.

And for this act of kindness your petitioner as in duty bound shall ever pray.

*Saw Khan Ram Majumdar*

DRAFT CHARGE

The petitioner aggrieved for non-compliance of Judgment and order dated 12-02-2002 passed by this Hon'ble Tribunal in O.A. No. 28 of 2002. The Contemners/Respondents has willfully and deliberately violated the Judgment and Order dated 12-02-2002. Accordingly, the Respondents/Contemners are liable for contempt of court proceedings and severe punishment thereof as provided under the law. They may also be directed to appear in person and reply the charges leveled against them before this Hon'ble Tribunal.

*Sambhu Ram Maipnei*



Affidavit

I, Sri Sri Sambhu Ram Mazumder. Postal Assistant G.P.O. Guwahati, P.O. Guwahati-1 aged about 59 years do hereby solemnly affirm and say as follows:

1) That I am one of the applicant in O.A. No. 28 of 2002 and also the petitioner of the instant petition and as such I am acquainted with the facts and circumstances of the case

2) That the contents of this affidavit and The statements made in paragraphs 1, 3, 4 — of the above petition are true to my knowledge and those made in paragraphs 2 — are being matters of records derived there from I believe to be true and those made in the rests are my humble submissions before this Hon'ble Tribunal.

I sign this affidavit on this the 9th day of May 2002 at Guwahati.

Identified by me:

Advocate

(Adil Ahmed)

Sambhu Ram Mazumder

Deponent.

Solemnly affirmed before me by the Deponent who is identified by Mr. Adil Ahmed, Advocate.

Miss Hira Devi, Advocate.

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FORM NO. 4

(See Rule 42)

ANNEXURE - A

In The Central Administrative Tribunal :: Guwahati Bench  
Guwahati.

ORDER SHEET

APPLICATION NO. 28/2002

Applicant(s) S.R. Mazumdar

Respondent(s) UOI & ORS

Advocate for Applicant(s) Mr. Adil Ahmed

Advocate for Respondent(s) C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
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mb-  
12.2.02

Heard Mr. A.Ahmed, learned counsel for the applicant and also Mr. A.K.Choudhury, learned Addl. C.G.S.C. for the respondents.

By this application the applicant has assailed the continuance of the departmental proceeding initiated on 25.10.2000 pertaining to an event that took place in May, 1998. It has been stated by the respondents that the proceeding is almost complete and the department is waiting for the report of the Enquiry Officer. Mr. A. K. Choudhury, learned Addl. C.G.S.C. for the respondents stated that the enquiry was completed in the last month and the competent authority is eagerly expecting the enquiry report. The competent authority shall act with all promptitude on receipt of the report.



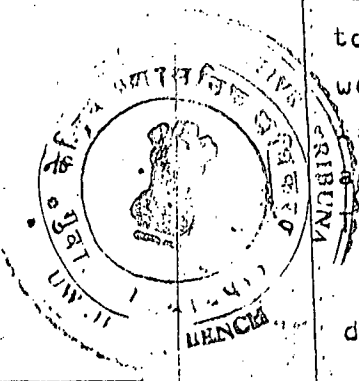
Adil  
Ahmed

Contd/-

1/

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Date	Order of the Tribunal
2.2.02	<p>Considering all the aspects of the matter, we are of the opinion that the enquiry proceeding needs to be concluded at the earliest. Since the proceeding is almost complete, we direct the respondents to complete the exercise within six weeks from today. If the applicant is aggrieved by the decision of the authority he may approach the Tribunal if so advised <i>per law</i>.</p> <p>The application stands disposed of. No order as to costs.</p>



Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)

certified to be true Copy

प्रमाणित प्रतिमिति

*[Signature]*  
29/4/02

Section Officer (A)

सहायक अधिकारी (न्यायिक शाखा)  
National Administrative Tribunal

राष्ट्रीय प्रशासनिक अधिकरण  
Guwahati Bench, Guwahati

*[Signature]* नाकलीत. न्यायाधीश

*[Signature]*  
*[Signature]*